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Litigation Services

Greg Rockstroh

March 20, 2023

Voter Reference Foundation, LLC

vs.

Raul Torrez, et al.

EXHIBIT

P28

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CASE NO. 1:22-cv-00222-JB-KK

VOTER REFERENCE FOUNDATION,)
LLC,)
)
Plaintiff,)
)
VS.)
)
RAUL TORREZ, in his official)
capacity as New Mexico)
Attorney General, and)
MAGGIE TOULOUSE OLIVER, in)
her official capacity as New)
Mexico Secretary of State,)
)
Defendants.)

The deposition upon oral examination of
GREGORY ROCKSTROH, a witness produced and sworn
before me, Valerie Fillenwarth, RPR, a Notary
Public in and for the County of Johnson, State
of Indiana, taken on behalf of the Plaintiff,
via Zoom, on March 20, 2023, commencing at the
hour of 2:00 p.m., CST, pursuant to the Federal
Rules of Civil Procedure.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 Mr. Edward D. Greim</p> <p>5 GRAVES GARRETT, LLC</p> <p>6 1100 Main Street, Suite 2700</p> <p>7 Kansas City, Missouri 64105</p> <p>8 816.256.3181</p> <p>9 edgreim@gravesgarrett.com</p> <p>10</p> <p>11 FOR THE DEFENDANTS:</p> <p>12 Mr. Jeff Herrera</p> <p>13 Ms. Kelsey Schremmer</p> <p>14 Office of the New Mexico Attorney General</p> <p>15 408 Galisteo Street</p> <p>16 Santa Fe, New Mexico 87501</p> <p>17 505.490.4060</p> <p>18 jherrera@nmag.gov</p> <p>19 kschremmer@nmag.gov</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 (Witness sworn.)</p> <p>2 MS. SCHREMMER: Sorry to interrupt here.</p> <p>3 I just wanted to -- hold on. I need to mute my</p> <p>4 mic here. We're in the same room. I just</p> <p>5 wanted to get some clarity. You mentioned the</p> <p>6 videographer. Are we recording this</p> <p>7 deposition?</p> <p>8 MR. GREIM: No, we're not. It just shows</p> <p>9 up on my screen as videographer, but it's just</p> <p>10 the person running the call. We're not</p> <p>11 recording it.</p> <p>12 MR. HOLMES: I was getting ready to hop</p> <p>13 off the line as we speak. I was just waiting</p> <p>14 until you guys get started and settled in.</p> <p>15 MS. SCHREMMER: Okay. Thank you for the</p> <p>16 clarification. I'm going to mute this mic.</p> <p>17 GREGORY ROCKSTROH,</p> <p>18 having been first duly sworn to tell the truth,</p> <p>19 the whole truth, and nothing but the truth,</p> <p>20 testified as follows:</p> <p>21 DIRECT EXAMINATION,</p> <p>22 QUESTIONS BY MR. EDWARD D. GREIM:</p> <p>23 Q. All right. Well, this is to the witness.</p> <p>24 Could you please state for us your full name</p> <p>25 and your address?</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX OF EXAMINATION</p> <p>2 Page</p> <p>3 DIRECT EXAMINATION..... 4</p> <p>4 Questions by Mr. Greim</p> <p>5</p> <p>6</p> <p>7 INDEX OF EXHIBITS</p> <p>8 Page</p> <p>9 Deposition Exhibit No.:</p> <p>10 1- Voter Data Report..... 27</p> <p>11 2- 3/11/22 e-mail string..... 41</p> <p>12 3- 5/27/22 letter..... 37</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Gregory James Rockstroh, 420-A Old Las Vegas</p> <p>2 Highway, Santa Fe, New Mexico, 87505.</p> <p>3 Q. Okay. And your last name is spelled</p> <p>4 R-O-C-K-S-T-R-O-H?</p> <p>5 A. Correct.</p> <p>6 Q. Very good. Well, my name is Eddie Greim, and</p> <p>7 I'll be asking you questions for a pretty short</p> <p>8 time today here. I think we'll go probably</p> <p>9 about 60 minutes. If we go over, it will be</p> <p>10 only a few minutes beyond that, okay?</p> <p>11 A. Sure thing.</p> <p>12 Q. Mr. Rockstroh, have you had your deposition</p> <p>13 taken before?</p> <p>14 A. No, I have not.</p> <p>15 Q. Okay. Well, just, I'll do some ground rules</p> <p>16 with you here. I'll ask you a question, and</p> <p>17 I'll just ask you to make sure you understood</p> <p>18 it, and then I'll ask for an answer. It's a</p> <p>19 little tricky when it's remote. And so I want</p> <p>20 you to tell me right away if you didn't hear it</p> <p>21 correctly or didn't understand it. Is that</p> <p>22 fair?</p> <p>23 A. That is, yes.</p> <p>24 Q. Okay. And this goes for all depositions, but</p> <p>25 especially when we do it remotely, you'll need</p>

2 (Pages 2 to 5)

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1 some time to prepare for your deposition today?

2 **A. Minimal. You know, a minimal amount of time,**

3 **yes.**

4 Q. Okay. Was that today or last week sometime?

5 **A. Last Friday, I believe, and then a shorter**

6 **amount today just in reference to some exhibits**

7 **that were received.**

8 Q. Very good. And we'll turn to those in just a

9 couple of minutes here. Did you review

10 anything other than the exhibits that we sent

11 ahead in preparation for your deposition today?

12 **A. No.**

13 Q. And I'm not going to count your attorneys

14 within this question, but did you interview

15 anyone or talk to anyone to prepare for your

16 deposition?

17 **A. No.**

18 **Q. Are you familiar with a New Mexico, and I'm**

19 **not -- I may have not use the exact term here.**

20 **But are you familiar with a database maintained**

21 **by New Mexico that contains voter registration**

22 **data?**

23 **A. Yes.**

24 **Q. Is there a particular name or acronym for**

25 **database?**

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1 **A. Yes.**

2 Q. What is it?

3 **A. SERVIAS, S-E-R-V-I-A-S.**

4 Q. Okay. And I'm just going to talk about the

5 architecture here for a second. And

6 that's a -- by the way, that's a term I barely

7 know the meaning of. But I'm just going to ask

8 you, first of all, is there a particular server

9 where the data in SERVIAS is housed?

10 **A. Can you clarify "data"?**

11 Q. Well, let's back up. Let's -- maybe you should

12 tell us what data is in SERVIAS.

13 **A. SERVIAS consists of discrete files that are**

14 **stored, mostly PDF-type images, and then also**

15 **more traditional database.**

16 Q. And where does the information in the database

17 come from? How does it get there?

18 **A. When you say how does the data get there, what**

19 **are you -- I mean, what are you asking, I**

20 **guess?**

21 Q. Let me -- okay. Let me ask you a different

22 question. What are the sources of the data in

23 the database? Let's start with that.

24 **A. The sources of the data in the database,**

25 **there's manual entry by secretary of state**

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1 **personnel, as well as county personnel.**

2 **There -- and that's the predominant -- that's**

3 **predominant data entry. The system receives**

4 **voter registrations from motor vehicles**

5 **division, and it also receives voter**

6 **registrations from the secretary of state's**

7 **online voter registration system.**

8 Q. Okay. And so if a voter -- I'm just going to

9 take one of those. Let's start with the

10 secretary of state online system. If a voter

11 registers using the online system, does the

12 data automatically populate in the database or

13 is manual data entry still required?

14 **A. The data is automatically transferred into the**

15 **database for SERVIAS. From there, it has to be**

16 **processed by a county election official,**

17 **otherwise it just hangs around in an input cue.**

18 Q. Is the same thing true of the DMV data, does

19 that come in automatically but then have to be

20 processed by somebody else?

21 **A. That is correct.**

22 Q. And, again, is it the county election official

23 who processes the data to make it part of the

24 database?

25 **A. That is correct, yes.**

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1 Q. What data is manually entered by county

2 personnel?

3 **A. The paper voter registrations are manually**

4 **entered by county personnel. They are able to**

5 **update county contact information in SERVIAS.**

6 **And precinct configuration and setup, as well**

7 **as election district configuration and setup,**

8 **is by direct entry in the system.**

9 Q. What information is manually entered at the

10 secretary of state's office?

11 **A. The secretary of state configures and sets up**

12 **statewide elections, they maintain and update**

13 **election districts that are multicounty, and if**

14 **they work on Safe At Home or confidential**

15 **address program voter registration records.**

16 Q. What about when reports are received from ERIC,

17 E-R-I-C, who is it that -- well, let me ask

18 you: Does any data from ERIC get put into the

19 SERVIAS database?

20 **A. No, not directly.**

21 Q. Okay. The ERIC reports go into election

22 officials, is that right?

23 **A. The ERIC reports are consumed into a secretary**

24 **of state application called Clerks Portal.**

25 **The -- they're consumed into Clerks Portal.**

4 (Pages 10 to 13)

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1 Q. And if any changes are made as a result -- I'm
2 sorry, if any changes to the SERVIAS database
3 are made as a result of the ERIC reports, those
4 are made by the county clerks, right?

5 A. Yes.

6 Q. Now, I understand that -- well, let me ask you
7 this: Does the SERVIAS database also reflect
8 data showing when a voter has cast a vote in an
9 election?

10 A. Yes.

11 Q. And I understand that's called a credit?

12 A. Yes, or voter credit.

13 Q. Okay. How does the voter credit get added to
14 the database?

15 A. Voter credit can come from manual entry,
16 typically by a county clerk. It can also come
17 from data exchange where the system interacts
18 with a ballot-on-demand system that is
19 provided -- operated by the county election
20 officials.

21 Q. So let me go back -- now that we have a little
22 better sense of what the data is in -- in there
23 and how it gets added, let me ask you: Where
24 is the data stored? Or let me -- let me strike
25 that.

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1 Where is the database hosted?

2 A. The database is hosted in the state data center
3 on a server owned by the secretary of state,
4 owned and operated.

5 Q. What are your responsibilities -- and let me
6 back up.

7 What are the responsibilities of your
8 office with respect to the maintenance of the
9 SERVIAS database?

10 A. I understand more from the technical aspect,
11 the maintenance and upkeep requirements for the
12 systems in a more general sense at the office
13 level. I don't have a great deal of
14 interactions or -- I've got an understanding,
15 but not a great deal of interaction or
16 influence on that, if that makes sense.

17 Q. Sure. I mean, let's drill down. I'm not going
18 to go too deep into this. But you mentioned
19 there are some technical aspects to your work
20 with the database. Could you tell us what
21 those are?

22 A. Yes, sir. You know, the IT division is
23 responsible for ongoing contract maintenance
24 with the support vendor, that we grant access
25 to the hosting infrastructure to the IT staff,

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1 we're responsible for the backup, monitoring,
2 and protection of those -- of those systems.

3 Q. Okay. Let me ask you now: Do you occasionally
4 have to pull reports from the database?

5 A. My staff do pull reports that are not easily
6 available in the front end as requested by the
7 Bureau of Elections.

8 Q. What do you mean that they're not easily
9 available in the front end? What did you --
10 I'm sure there's some technical answer there,
11 but tell us, if you can.

12 A. That SERVIAS has reporting features built into
13 it that occasionally we get questions for
14 system data that isn't fulfilled by -- that's
15 not fulfilled by the canned reporting that is
16 available within SERVIAS, and then we will
17 attempt to answer those questions directly from
18 the back end.

19 Q. So can you give me an example of a canned
20 report that's available from SERVIAS?

21 A. Yes. There is a precinct parts and district
22 report that would describe the districts -- the
23 election districts within a specific county,
24 and then the precinct parts that are associated
25 with each of those districts.

Page 17

1 Q. Okay. Let me ask you -- and I assume that
2 there are several -- you could give us several
3 other examples like that of canned products
4 that can be easily pulled from SERVIAS?

5 A. Yes.

6 Q. Now, if somebody wants one of those canned
7 products, how is it accessed?

8 A. Those products would normally come through
9 voter data requests or an inspection of public
10 records request.

11 Q. Okay. And then does -- I assume that that
12 request comes to someone within the secretary
13 of state's office, is that right?

14 A. Yes.

15 Q. And does that -- is that person a staffer who
16 reports to you?

17 A. No.

18 Q. Okay. Somebody within the Bureau of Elections?

19 A. Yes.

20 Q. And do those individuals, then, have the
21 ability to directly access SERVIAS and pull
22 those canned products on their own?

23 A. Yes.

24 Q. They don't need to go to your staff, normally,
25 to pull those canned products off, right?

5 (Pages 14 to 17)

Page 18

- 1 **A. Yes.**
 2 Q. What if someone asked for a voter list or a
 3 list of all, you know, registered voters for a
 4 certain county, is that a canned product?
 5 **A. Yes.**
 6 Q. About how many canned products are there?
 7 **A. I'm going to guess here a little bit, but I**
 8 **would say there are between 30 and 40 different**
 9 **canned reports in the system.**
 10 Q. Who decided what reports would be canned? I
 11 mean, in other words, who came up with the idea
 12 for those 30 or 40 reports?
 13 **A. Some of -- some of the reports came as just**
 14 **part of the system from the vendor, you know,**
 15 **so a vendor when they build a system make best**
 16 **guess as to, you know -- and they're good**
 17 **guesses; they work in the space. But they make**
 18 **best guess. And then the office, in**
 19 **conjunction with county clerks, would have**
 20 **specified other things that were not -- that**
 21 **they wanted on a regular basis but were not**
 22 **included in an already covered easily by a**
 23 **canned report.**
 24 Q. Now, does the secretary of state's office,
 25 under its contract with the vendor, pay a

Page 19

- 1 certain charge for each report that is pulled
 2 off of the canned reports?
 3 **A. No.**
 4 Q. So are the canned reports covered, I guess,
 5 under a fixed fee under that contract?
 6 **A. I think I would describe it as just the license**
 7 **fee for the software.**
 8 Q. Okay. Now, I take it that there are other
 9 reports -- and we may come back to this. I
 10 think we may be done with the idea of canned
 11 reports.
 12 **I take it there are other ways to pull**
 13 **data off the SERVIAS database that are not**
 14 **simply choosing a canned report, right?**
 15 **A. Correct, yes.**
 16 Q. And can you give me an example? I know you may
 17 have to be creative, but maybe you can actually
 18 remember an example of a request that -- for
 19 data, that was recently made that was not a
 20 canned report. Can you think of one?
 21 MR. HERRERA: Objection.
 22 **A. So the question is just an example of a type of**
 23 **report that might need to be pulled from other**
 24 **means?**
 25 BY MR. GREIM:

Page 20

- 1 Q. Right.
 2 **A. Recently we pulled -- we pulled a report**
 3 **regarding MVD, motor vehicles division,**
 4 **registrations that were -- it was a -- it was a**
 5 **custom report regarding MVD and whether or not**
 6 **a customer chose to register to vote at the MVD**
 7 **office.**
 8 Q. So let me just -- we'll both -- take us a
 9 little bit further. It's not that important,
 10 but I want to understand. **So somewhere within**
 11 **the SERVIAS database, it tells you how that**
 12 **person registered, is that right?**
 13 **A. Yes.**
 14 Q. And it probably tells you when they registered,
 15 too, correct?
 16 **A. Yes.**
 17 Q. And so someone asks you to pull a report of
 18 everyone who registered within a certain time
 19 frame, how many of those were registrations
 20 through the MVD offices?
 21 **A. It's close.**
 22 Q. Okay.
 23 **A. But, yes, that would be a good example as well.**
 24 Q. Now, do you -- does the secretary of state's --
 25 let's use the example I gave. I guess it

Page 21

- 1 wasn't -- I didn't quite meet your example, but
 2 it qualifies, so we'll stick with that.
 3 **Would the secretary of state's office**
 4 **incur a special charge from the vendor for**
 5 **having that data pulled?**
 6 **A. No -- no.**
 7 Q. Okay. Who -- let me ask you this: Who goes in
 8 to pull the data when there is a special
 9 request like that?
 10 **A. Our SOS application developer would be the**
 11 **first point, and if he's unable to figure it**
 12 **out, he would escalate it to the support vendor**
 13 **for assistance.**
 14 Q. Does the support vendor at least charge you an
 15 hourly rate or something for those kind of
 16 requests?
 17 **A. Not -- no.**
 18 Q. Are there ever voter requests for data -- or
 19 let me just say: Are there ever requests for
 20 voter data that come from the general public
 21 that the secretary of state's office refuses
 22 because they require too much data work?
 23 **A. To the best of my knowledge, no.**
 24 Q. Let me step away from this topic for a minute
 25 because there's something I forgot to ask you.

6 (Pages 18 to 21)

Page 22

1 I never really asked you all the data that goes
 2 into the database, and we may not be able to
 3 exhaust it on -- during the time we have here.
 4 But, you know, I understand from your testimony
 5 so far that it certainly includes the
 6 registration data that comes into the database
 7 when someone registers to vote.
 8 **A. Yes.**
 9 Q. I understand that it includes a voter credit
 10 when that person happens to vote in an
 11 election.
 12 **A. Yes.**
 13 Q. I understand it includes data about where
 14 someone registered and when they registered,
 15 right?
 16 **A. Yes.**
 17 Q. And does it include data about when changes are
 18 made to the database itself?
 19 **A. Is there a specific data that you're interested**
 20 **in?**
 21 Q. Sure. Let me give you an example.
 22 **A. Okay.**
 23 Q. Let's say that a voter moves from one county to
 24 another, does the database -- I know the data
 25 database should reflect the new address, of

Page 23

1 course, but does the database also show that it
 2 was changed? That the voter moved on a certain
 3 date, that that was processed on a certain
 4 date?
 5 MR. HERRERA: Objection.
 6 **A. Yes.**
 7 BY MR. GREIM:
 8 Q. And if a voter -- let's say a voter leaves the
 9 state altogether, and we won't go into how
 10 that's determined or anything like that, let's
 11 just posit that that happened, would the
 12 database reflect that a voter has moved and is
 13 no longer a New Mexico voter?
 14 **A. If the voter notifies their county clerk, yes.**
 15 Q. Okay. So the voter may not be an active voter
 16 in New Mexico, but because they were, at least
 17 for some period of time, their information will
 18 still be in the SERVIAS database, correct?
 19 **A. Yes.**
 20 MR. HERRERA: Objection.
 21 BY MR. GREIM:
 22 Q. And is there some time when the voter is so old
 23 that their line is just removed altogether,
 24 they moved to California 20 years ago, that you
 25 don't continue to keep that, do you?

Page 24

1 **A. The system does not have any -- the system**
 2 **keeps data for eternity right now.**
 3 Q. What about if somebody dies, are they also kept
 4 in there? I mean, I know they're not being
 5 kept as an active voter. But if someone dies,
 6 are they kept in there along with a column
 7 showing that they -- on such and such a date
 8 their record was changed to show that they were
 9 dead?
 10 **A. Yes.**
 11 Q. Okay. I'm going to ask you about a -- I'm
 12 going to ask you about something called a file
 13 maintenance list. Have you heard that term
 14 before?
 15 **A. Yes.**
 16 Q. What do you understand that to mean?
 17 **A. My understanding is that is a canned report**
 18 **used by county staff.**
 19 Q. What does the report reflect?
 20 **A. Without the report, I couldn't really comment,**
 21 **other than generalities.**
 22 Q. Okay. Well, let's stick with generalities. I
 23 don't -- I'm not here to drill down all the
 24 way. We'll just find out some other way. But
 25 generally speaking, is it a list that shows

Page 25

1 additions, deletions, or changes to the voter
 2 file?
 3 **A. I think so, yes.**
 4 Q. And do you know how county election officials
 5 use it?
 6 **A. No.**
 7 Q. And after those reports -- well, let me ask
 8 you: They're sent out once a month, isn't that
 9 right?
 10 **A. As a canned report, the county could pull that**
 11 **list and process it as often as they saw fit**
 12 **for their office.**
 13 Q. Do you know, once a list is pulled, obviously
 14 it's a snapshot of the data that was pulled
 15 down at that time, is that list kept anywhere?
 16 **A. I don't know.**
 17 Q. I think you answered this question but I've got
 18 this in my notes, so I'm going to see if you
 19 know the answer to this. I'm going to go back
 20 to what the database shows for a moment.
 21 Is there -- are there fields in the
 22 database that, for any given voter, show every
 23 change that was ever made to the voter file?
 24 MR. HERRERA: Objection.
 25 **A. Yes, to the voter record.**

7 (Pages 22 to 25)

Page 26

1 BY MR. GREIM:
 2 Q. To the voter record, okay.
 3 It doesn't just keep track of the very
 4 last one? It goes back in time to show other
 5 changes that were made?
 6 MR. HERRERA: Objection.
 7 A. Yes.
 8 BY MR. GREIM:
 9 Q. How often is it that your staff is called upon
 10 to generate what -- I'm just going call it a
 11 non-canned report, pursuant to a request that's
 12 made?
 13 A. Again, a guesstimate, and it depends on --
 14 tends to be cyclical around elections, but I
 15 would say monthly.
 16 Q. About once a month on average?
 17 A. Yes.
 18 Q. And when one of those requests comes in, I
 19 mean, I know they're all different, but how
 20 long does it take someone from your staff to
 21 work on that and pull the data?
 22 A. Often I would say several days.
 23 Q. And there -- now, I'm not a computer science
 24 person at all, but I assume they're writing
 25 code or something like that?

Page 27

1 A. Correct, yes.
 2 Q. Now, is that several days of just working
 3 straight through or it might take several days
 4 from the time they get the assignment to the
 5 time it's completed?
 6 A. From a receipt of assignment until completed.
 7 Q. But maybe they're working on other projects at
 8 the same time, it's not that that matter took,
 9 say, 40 hours on average?
 10 A. Correct.
 11 (WHEREUPON, Deposition Exhibit 1 was
 12 marked for identification.)
 13 BY MR. GREIM:
 14 Q. I'm going to have you, if you could, look at
 15 Exhibit 1. And if you have it like I have it,
 16 it's on letter-sized paper and so the printing
 17 is rather small.
 18 A. Yes.
 19 Q. Okay. Now, this was produced to us by the
 20 secretary of state's office. Do you know who
 21 prepared this report within the secretary of
 22 state's office?
 23 A. I do not.
 24 Q. And have you seen a report like this before you
 25 looked at this document in preparation for the

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1 deposition?
 2 A. Yes, similar.
 3 Q. Okay. What's the purpose of reports that are
 4 at least similar to this?
 5 MR. HERRERA: Objection. Go ahead.
 6 A. Tracking of voter data requests and
 7 fulfillment.
 8 BY MR. GREIM:
 9 Q. Do you know who actually keeps this record?
 10 A. No.
 11 Q. Is it prepared by anyone in your division?
 12 A. No.
 13 MR. HERRERA: Objection.
 14 BY MR. GREIM:
 15 Q. Okay. Well, we'll do what we can with it, but
 16 my questions may be pretty limited. Let's go
 17 to the part that's more of a table. It starts
 18 about midway down Exhibit 1. And you'll see
 19 that the far left column is date of request.
 20 Then it has the name of the requester, the
 21 organization of the requester, the information
 22 requested, and then several other columns. Do
 23 you see that?
 24 A. Yes.
 25 Q. And so let me just ask you, I know it may take

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1 a moment, but do you see any columns on here --
 2 or, I'm sorry, do you see any rows that show a
 3 request that wasn't a canned report from the
 4 SERVIAS database? I know it may be hard to
 5 tell by the description.
 6 MR. HERRERA: Would it be easier if I
 7 pulled it up on the screen and we could zoom
 8 in?
 9 THE WITNESS: Sure.
 10 MR. HERRERA: Counsel, I'm going to pull
 11 this up on our laptop here so that we can zoom
 12 in.
 13 BY MR. GREIM:
 14 Q. Okay. And, you know, maybe I'll do this,
 15 because otherwise you'll be squinting even at a
 16 bigger list, you'll be reading closely all the
 17 way down. I'm just going to ask you a couple
 18 of examples, so that you don't have to try to
 19 read every single thing on this sheet. So I'm
 20 going to first ask you about someone named Ryan
 21 Salazar. He actually appears in the really
 22 small print in the first half of page 1 where
 23 it's not really a grid anymore; it's just
 24 information. And I'll tell you, Ryan Salazar
 25 is seven people from the bottom.

8 (Pages 26 to 29)

1 **A. Okay.**
 2 Q. Do you see him?
 3 **A. Yes.**
 4 Q. So on January 17, 2022, now it's hard, you may
 5 have to line this up, that's what I'm going to
 6 do, you'll see he requested district 4
 7 democrats with voter history. Actually, it
 8 looks like district 46 dems with voter history.
 9 Do you see that?
 10 **A. Yes.**
 11 Q. Now, would that be a canned report?
 12 **A. Yes.**
 13 Q. Okay. And would the same thing -- oh, go
 14 ahead.
 15 **A. No, just available -- that report is available**
 16 **within SERVIAS, yes.**
 17 Q. Is the same thing true for the line below that?
 18 **A. Yes.**
 19 Q. Okay. And then actually the line below that,
 20 phone number of registered voters in Espanola,
 21 is that a canned report?
 22 **A. I'm not sure, actually.**
 23 Q. Okay. Let's go down -- who would know the
 24 answer to that question?
 25 **A. We could -- anyone with the log-in for SERVIAS,**

1 **they could review the reporting tools.**
 2 Q. I see. So let's break away for a second. I
 3 want to ask you about that. It sounds like
 4 there's an interface for SERVIAS after you log
 5 in and there's probably certain things you can
 6 click to generate the canned reports, is that
 7 right?
 8 **A. Yes.**
 9 Q. And the application then goes into the database
 10 and pulls out the data using that formula to
 11 generate the canned report, is that right?
 12 **A. Yes.**
 13 Q. That report doesn't already exist. It's just
 14 that there is a system in place for pulling
 15 that particular data together, right?
 16 **A. Yes.**
 17 Q. Okay. Final question and then we'll quit --
 18 you know, we'll quit trying here. But if you
 19 go down to the table section still on the first
 20 page, fourth from the bottom is Judith Gordon,
 21 February 24, 2021, you'll see she wanted voter
 22 data for Sandoval County, precinct 132, with
 23 history for general primary municipal elections
 24 2016 to 2020. Is that a canned report?
 25 **A. With data -- with history, yes.**

1 Q. Okay.
 2 **A. Produced from similar -- you set it up a little**
 3 **bit and it hit go.**
 4 Q. So when you say you "set it up a little bit,"
 5 you maybe enter in ranges and things into the
 6 SERVIAS interface?
 7 **A. Yes.**
 8 MS. SCHREMMER: Hey, Eddie?
 9 MR. GREIM: Yeah.
 10 MS. SCHREMMER: When you're done with
 11 this exhibit, can we take a comfort break?
 12 MR. GREIM: Yeah. Why don't we go ahead
 13 and do it right now?
 14 MS. SCHREMMER: Okay, thanks.
 15 MR. GREIM: Okay. We'll go off the
 16 record for about ten minutes, come back on, and
 17 I expect we have about 30 minutes left at the
 18 very most.
 19 (WHEREUPON, at this time a brief recess
 20 was taken.)
 21 MR. HERRERA: Eddie, Greg has a
 22 clarification from his previous testimony he
 23 wants to clear up.
 24 MR. GREIM: Okay.
 25 THE WITNESS: In our last example, we

1 were looking at Judith, and there was a
 2 question about, I think, voter credit for a
 3 specific precinct over a given number of years.
 4 BY MR. GREIM:
 5 Q. Right.
 6 **A. And the clarification that I have on that is as**
 7 **a canned report out of the system, it only sees**
 8 **it through the lens of who is registered in**
 9 **precinct 132 at the time the report is run.**
 10 **So it could tell you who is -- who**
 11 **participated in 2016 and 2020 and 2018 that is**
 12 **currently registered in precinct 132. It**
 13 **doesn't tell you necessarily if people have**
 14 **moved out in that time frame. They would only**
 15 **show up as voting -- that they would only show**
 16 **up for the current precinct they're registered**
 17 **in. So if they move out to other counties,**
 18 **other precincts, if they, you know, were to die**
 19 **or become a felon, that it wouldn't know about**
 20 **those changes -- it wouldn't know about those**
 21 **changes.**
 22 **So it is very much a snapshot in time,**
 23 **but not necessarily -- but the data skews the**
 24 **further away you -- the further you get away**
 25 **over time.**

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1 BY MR. GREIM:
 2 Q. Okay. And so your testimony, then, is that
 3 what Ms. Gordon asked for technically could not
 4 be provided?
 5 THE WITNESS: Can I see --
 6 MS. SCHREMMER: Oh, I'm sorry.
 7 **A. As asked, it can be provided by the system.**
 8 BY MR. GREIM:
 9 Q. It can be?
 10 **A. Yes.**
 11 Q. Okay. And so is it a canned report?
 12 **A. Yes.**
 13 Q. So the fact that, you know, this was asked for
 14 in February of '21, and by this time there
 15 might be people who have gone to jail or
 16 whatever since 2016, did not keep the secretary
 17 of state from responding to the report -- to
 18 the request, right?
 19 **A. It says it was issued on February 24th of 2021,**
 20 **so, yes.**
 21 Q. Right. Okay. Let me stay with you on this a
 22 little bit. The people who voted in 2016, in
 23 the general primary municipal elections in
 24 2016, who may have left Sandoval County by
 25 2021, would still actually be in the database,

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1 showing a Sandoval County registered address in
 2 the 2016 elections?
 3 **A. Not from a canned perspective.**
 4 Q. Right. It would require somebody on your staff
 5 maybe talking to the vendor to pull that data
 6 into a special report?
 7 **A. Yes.**
 8 Q. And have you ever received a request like that
 9 before?
 10 **A. Yes.**
 11 Q. Okay. When was that?
 12 **A. I don't recall.**
 13 Q. In the last five years?
 14 **A. Yes.**
 15 Q. Do you know who made the request?
 16 **A. No.**
 17 Q. Do you recall how long it took to fulfill the
 18 request?
 19 **A. No. It would be a complicated -- it would be**
 20 **one that took somewhat longer.**
 21 Q. Was there an extra charge levied on the
 22 recipient or, I guess, the requester?
 23 **A. I don't know.**
 24 Q. Would there still be a record of that request
 25 and the time it took to send them the data?

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1 right?
 2 **A. Yes.**
 3 Q. But if they left Sandoval County, their current
 4 status might show as what, inactive?
 5 **A. No, their status would still be active. It**
 6 **would just be in a different county and they**
 7 **would not reflect on this report. So if I**
 8 **lived in precinct 132 in Sandoval County and I**
 9 **voted in the 2016 -- any of those elections,**
 10 **and then I moved to Santa Fe and you run**
 11 **this -- and you ask us to run this report in**
 12 **2021, I would not be reflected in that canned**
 13 **report as a participant from precinct 132 in**
 14 **that election because I don't live in precinct**
 15 **132 any longer.**
 16 Q. But the database still shows -- even though not
 17 as your current address, it still shows your
 18 Sandoval County address, correct? It's still
 19 in there somewhere?
 20 **A. Yes.**
 21 Q. It's just that the way the canned report is set
 22 up, it's going to begin with your current
 23 county of registration?
 24 **A. Yes.**
 25 Q. Now, couldn't a query be run for every person

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1 **A. I don't know.**
 2 Q. Did you work on it yourself?
 3 **A. Not directly, no.**
 4 Q. Do you remember who worked on it on your staff?
 5 **A. Would have been Alan Goode --**
 6 Q. Is he --
 7 **A. -- or possibly Blezoo Varghese.**
 8 Q. Could you give us that second name again,
 9 please?
 10 **A. Blezoo Varghese, B-L-E-Z-O-O, V-A-R-G-H-E-S-E.**
 11 Q. Do you know that they had to go to the vendor
 12 for assistance in fulfilling that request?
 13 **A. I don't know one way the other for certain.**
 14 Q. Who is the data vendor?
 15 **A. Know Ink Incorporated, previously BPro.**
 16 Q. Could you spell both of those names?
 17 **A. Yes. K-N-O-W, I-N-K, and previously BPro,**
 18 **B-P-R-O.**
 19 **(WHEREUPON, Deposition Exhibit 3 was**
 20 **marked for identification.)**
 21 BY MR. GREIM:
 22 Q. Okay. I'm going to ask you to go to Exhibit 3,
 23 page 4. And -- well, before we go all the way
 24 back there, you'll see Exhibit 3 is a --
 25 actually a letter from me. If you went to the

10 (Pages 34 to 37)

1 end, you'd see that I signed it. It's a
2 request for data and a notice of violation of
3 the National Voter Registration Act. It's
4 dated May 27, 2022. And I take it you've seen
5 this before just now, because you at least
6 maybe saw it before our deposition today?

7 **A. Yes.**

8 **Q.** Had you seen it before then?

9 **A. No, today is the first I'd ever seen it.**

10 **Q.** Okay. Well, let's turn to page 4. And I'm
11 going to show you -- there are two requests on
12 the top of page 4. And I want to focus on the
13 first one, which is little bit longer. And I
14 just want you to see in writing, I'll read it
15 into the record, but you would forget it
16 quickly, so I think having it in front of you
17 will help as I ask you about it.

18 The request is for, and I'm going to
19 quote, "A complete list, by county/precinct, of
20 any registered voters who cast a ballot in the
21 November 3, 2020 general election, who have
22 been subsequently placed in an inactive,
23 canceled, deleted, removed (or any registration
24 status other than active) status," then it has
25 a comma, and says, "or any voter that has been

1 "...of those people who have been subsequently
2 placed in an inactive, canceled, deleted,
3 removed (or anything other than active)
4 status."

5 And so my question is: With that
6 addition, is it still a canned report?

7 **A. I'm not sure. I would need to look at the
8 system.**

9 **Q.** Is it a report that, even if not canned, could
10 be pulled from the system?

11 **A. Yes.**

12 **Q.** Okay. Then we're going to continue. Then it
13 says "or." And so now we're going to go to
14 something different. "...any voter that has
15 been removed or deleted from voter roles
16 between..." the two dates.

17 And so let me ask you: Is that a canned
18 report?

19 **A. I'm not sure.**

20 **Q.** And, again, you would need to look at the
21 system interface to know that?

22 **A. Yes.**

23 **Q.** But could that report be pulled from the system
24 even if it's not canned?

25 **A. Yes.**

1 removed or deleted from the voter roles between
2 November 3, 2020 and April 13, 2021, including
3 the total counts of the same."

4 So that's what I'm going to ask you about
5 now. This was the request that I actually sent
6 in about -- you know, almost a year ago. So I
7 think, you know, the structure of this request
8 is sort of divided in half. After the word
9 "status" in the middle, it switches over to
10 something else. So I'm going to focus on the
11 first part of the request and then we'll expand
12 out, okay?

13 **A. Okay.**

14 **Q.** So the first part of the request probably can
15 be viewed in two different -- has two different
16 parts as well. You'll see the very first part
17 wants to know a complete list, by
18 county/precinct, of any registered voters who
19 cast a ballot in the last general election. So
20 if we stop right there -- I know there's more,
21 but if we stop right there, is that a canned
22 report?

23 **A. Yes.**

24 **Q.** But then, of course, it goes on. You can't
25 just stop with the canned report. It says,

1 **Q.** Is there anything outside of the SERVIAS system
2 that would have to be referenced to generate
3 those reports?

4 **A. I'm not sure.**

5 **Q.** There's not like a second voter registration
6 database, is there?

7 **A. Can you repeat the question? I missed part of
8 it.**

9 **Q.** There's not a second voter registration
10 database outside of SERVIAS, is there?

11 **A. No.**

12 **Q.** And there's no second list of voters or voter
13 credits outside of SERVIAS?

14 **A. No.**

15 **Q.** Can you think of anything outside of SERVIAS
16 that you'd have to look at to answer that
17 question?

18 **A. No.**

19 **Q.** Have you heard of Voter Reference Foundation,
20 my client in this case?

21 **A. Yes.**

22 (WHEREUPON, Deposition Exhibit 2 was
23 marked for identification.)

24 BY MR. GREIM:

25 **Q.** I'm going to show you Exhibit 2 -- or I'm going

<p style="text-align: right;">Page 50</p> <p>1 THE COURT REPORTER: Okay. Do you want a</p> <p>2 copy of the transcript?</p> <p>3 MR. HERRERA: Yes, please.</p> <p>4 THE COURT REPORTER: Okay.</p> <p>5 MR. GREIM: We would like an expedited</p> <p>6 rough.</p> <p>7 THE COURT REPORTER: Would you as well,</p> <p>8 Kelsey or Jeff?</p> <p>9 MR. HERRERA: Yes.</p> <p>10</p> <p>11 (Deposition concluded at 3:34 p.m. CST)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 52</p> <p>1 STATE OF INDIANA)</p> <p>2) SS:</p> <p>3 COUNTY OF JOHNSON)</p> <p>4</p> <p>5 CERTIFICATE</p> <p>6</p> <p>7 I, Valerie Fillenwarth, RPR, a Notary</p> <p>8 Public in and for the County of Johnson, State</p> <p>9 of Indiana, maintaining an office in Johnson</p> <p>10 County, Indiana, do hereby certify the</p> <p>11 following:</p> <p>12</p> <p>13 That the witness herein, GREGORY</p> <p>14 ROCKSTROH, was first duly sworn to tell the</p> <p>15 truth, the whole truth and nothing but the</p> <p>16 truth in the foregoing deposition;</p> <p>17</p> <p>18 That all testimony was taken down in</p> <p>19 stenographic notes and afterward reduced to</p> <p>20 typewritten form under my direction and then</p> <p>21 presented to counsel for the purpose of</p> <p>22 obtaining the deponent's signature;</p> <p>23</p> <p>24 That I recorded and transcribed any and</p> <p>25 all objections made by counsel and the reasons</p>
<p style="text-align: right;">Page 51</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, GREGORY ROCKSTROH, do</p> <p>4 hereby certify that I have read the</p> <p>5 foregoing pages, and that the same is</p> <p>6 a correct transcription of the answers</p> <p>7 given by me to the questions therein</p> <p>8 propounded, except for the corrections or</p> <p>9 changes in form or substance, if any,</p> <p>10 noted in the attached Errata Sheet.</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 GREGORY ROCKSTROH DATE</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 53</p> <p>1 therefore; and</p> <p>2</p> <p>3 That I am not a relative or employee,</p> <p>4 attorney or counsel of any of the parties, nor</p> <p>5 a relative or employee of such attorney or</p> <p>6 counsel, nor am I financially interested in</p> <p>7 this action.</p> <p>8</p> <p>9 IN WITNESS HEREOF, I have hereunto set my</p> <p>10 hand and affixed my Notarial Seal this 29th day</p> <p>11 of March 2023.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Valerie Fillenwarth, RPR</p> <p>17 Notary Public</p> <p>18 (Electronically signed)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Commission Number: NP0669434</p> <p>24 County of Residence: Johnson</p> <p>25 My Commission Expires on: June 22, 2023</p>